

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #11	CCRB Case #: 201910698	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/12/2019 2:00 PM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 6/12/2021	EO SOL 1/27/2022	
Date/Time CV Reported Fri, 12/13/2019 12:27 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/13/2019 12:27 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Vladimir Pena	06855	964698	067 PCT
2. POM Larry Feng	29929	965087	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Rosario	18387	966819	067 PCT
2. POM Radoslaw Turowski	09564	954380	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Vladimir Pena	Abuse: Police Officer Vladimir Pena threatened to arrest § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On December 13, 2019, § 87(2)(b) filed this complaint with the CCRB via phone.

On December 12, 2019, at approximately 5:00p.m., § 87(2)(b)'s ex-girlfriend, § 87(2)(b), called 911 regarding a dispute with § 87(2)(b). PO Vladimir Pena and PO Larry Feng responded to the location and spoke with both § 87(2)(b) and § 87(2)(b). PO Pena allegedly threatened to arrest § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g), § 87(4-b), § 87(2)(c)).

No arrests were made, and no summonses were issued during this incident.

The investigation obtained cell phone video from § 87(2)(b) and one NYPD body-worn camera video of the incident from PO Feng.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Vladimir Pena threatened to arrest § 87(2)(b).

The investigation obtained footage from the body-worn camera of PO Larry Feng (BR 01). The video does not capture the entire incident. It begins when the officers are speaking with § 87(2)(b) outside § 87(2)(b) and ends while the officers are still speaking with § 87(2)(b). From 1:32-2:11 in the footage, PO Pena states that he is aware that § 87(2)(b) and § 87(2)(b) have had issues with ACS in the past and advises § 87(2)(b) that every time officers come and fill out a report, § 87(2)(b) will have to go to Family Court.

In the cell phone video provided by § 87(2)(b), PO Feng and PO Pena are both visible in the hallway outside § 87(2)(b) speaking to § 87(2)(b) (BR 02). PO Pena advises § 87(2)(b) to avoid physical contact with § 87(2)(b). The video does not capture the entire incident and does not capture a threat of arrest.

§ 87(2)(b) testified that when he was speaking to PO Pena and PO Feng outside the apartment, PO Pena stated that if § 87(2)(b) called the police on § 87(2)(b) again, that § 87(2)(b) would be arrested (BR 03-04). When § 87(2)(b) told PO Pena that he had not done anything, PO Pena reiterated that if the officers had to return to the address, they would “lock” § 87(2)(b) “up”.

PO Feng and PO Pena both testified that they had no recollection of interacting with § 87(2)(b) or of being present at § 87(2)(b) on December 12, 2019 (BR 05-06). They both testified that PO Pena did not threaten to arrest § 87(2)(b). Both officers recognized both PO Feng and PO Pena in § 87(2)(b)'s cell phone video, but neither officer's independent recollection of the incident was refreshed upon viewing the cell phone footage or PO Feng's body-worn camera footage.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
 - [REDACTED]
[REDACTED]
- PO Pena has been a member of service for 3 years and has not been a subject of any other allegations (see officer history). § 87(2)(g) [REDACTED]
[REDACTED].

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On November 24, 2020, a request for any Notice of Claim being filed regarding this complaint was sent to the Office of the New York City Comptroller. The response will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 11

Investigator: Isabel Cifarelli Inv. Isabel Cifarelli 12/1/20
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 12/01/20
Signature Print Title & Name Date

Reviewer: _____

Signature

Print Title & Name

Date